

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**CURTIS WAYNE CLIFTON
ADC #650436**

PLAINTIFF

v.

No. 3:15-cv-31-DPM-BD

**OCTAVIOUS BAILEY, C.O., Mississippi
County Detention Center; ALONZO
CUMMINGS, C.O., Mississippi County
Detention Center; PEGGY SOWARD,
Sergeant, Mississippi County Detention
Center; LUTHER WHITFIELD, Lieutenant,
Mississippi County Detention Center; and
MISSISSIPPI COUNTY DETENTION CENTER**

DEFENDANTS

ORDER

Opposed partial recommendation, *Nº 6*, adopted on *de novo* review. FED. R. CIV. P. 72(b)(3). Clifton's objection, *Nº 8*, is overruled. Assuming that the defendants violated the facility's professional standards, challenging their actions is not a claim about a county policy or custom. *Jenkins v. County of Hennepin, Minnesota*, 557 F.3d 628, 632 (8th Cir. 2009). Clifton's claims against all defendants in their official capacities are dismissed without prejudice. His § 1983 claims against the Mississippi County Detention Center are dismissed

with prejudice because the jail can't be sued.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

17 March 2015